

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

TERESA AVALOS, individually and in behalf
of all other persons similarly situated,

Plaintiff,

-against-

19 CV 9182 (KMK)

THE SURF CLUB ON THE SOUND, LLC;
GAETANO GIZZO; and ANTHONY
MARTELLO, jointly and severally,

Defendants.

JUDGMENT

Karas, K. M.

Upon the notice of the acceptance of the offer of judgment, it is **ordered, adjudged, and
decreed**—

The plaintiff Teresa Avalos does recover of the defendants The Surf Club on the Sound, LLC; Gaetano Gizzo; and Anthony Martello, jointly and severally, \$80,000.00, inclusive of costs, expenses, attorneys' fees, and interest.

The plaintiff has execution therefor;

Pursuant to sections 198(4) and 663(4) of the New York Labor Law, if any such amounts of this judgment remain unpaid upon the expiration of ninety days following issuance of this judgment, or ninety days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of this judgment shall automatically increase by fifteen percent.

In light of the Second Circuit's recent decision in Mei Xing Yu v. Hasaki Rest., Inc., 944 F.3d 395 (2d Cir. 2019), the Court notes that it has no authority to review the proposed judgment for fairness.

Dated: White Plains, New York

June 8, 2020

So ordered,


Kenneth M. Karas
United States District Judge